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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM JOHNSEN,

Defendant.

No. CR 07-00722 HRL

STIPULATION AND [PROPOSED]
ORDER TO VACATE HEARING AND
EXCLUDE TIME AND DEFER
PROSECUTION

The above-captioned case is currently scheduled for a status hearing on October 30, 2008 at 9:30 a.m. The parties respectfully request that the appearance be vacated because the defendant has been accepted into a Pretrial Services diversion program for a period of six months. Other conditions include the defendant submitting to random drug testing and completing 40 hours of community service. Therefore, the parties request that the case be taken off calendar, and if any problems arise while the defendant is on diversion, the government will notify the Court to schedule further proceedings. In addition, the parties request that time be excluded under the Speedy Trial Act from October 30, 2008 to May 1, 2009 in order to the defendant to demonstrate good conduct while participating in a diversion program. 18 U.S.C. § 3161(h)(2).

STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME AND DEFER PROSECUTION
CR 07-00722 HRL

E-FILED

FILED

OCT 27 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

2
3 DATED: 10/21/08

/s/
SUSAN KNIGHT
Assistant United States Attorney

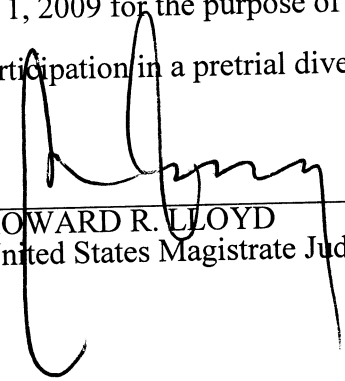
4
5 DATED: 10/21/08

/s/
MANUEL ARAUJO
Assistant Federal Public Defender

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8 Based on the stipulation of the parties and for good cause shown, IT IS HEREBY ORDERED
9 that the status hearing on October 30, 2008 at 9:30 a.m. is vacated.

10 The Court FURTHER ORDERS that time is excluded under the Speedy Trial Act pursuant to
11 18 U.S.C. § 3161(h)(2) from October 30, 2008 to May 1, 2009 for the purpose of allowing the
12 defendant to demonstrate good conduct through his participation in a pretrial diversion program.

13
14 DATED: 10/27/08


HOWARD R. LLOYD
United States Magistrate Judge